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Chicago Balks at Proposal to Limit Police Spying on Political Activists

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CHICAGO, Jan. 6 — Efforts by a group of citizens' organizations in Chicago to negotiate court-approved agreements prohibiting unwarranted surveillance by the police and other agencies have reached an impasse because of the city's insistence that the police should be allowed to spy on any organization or individual it chooses.

The negotiations, which have been going on for two years, are an outgrowth of lawsuits filed against the city by a group of organizations that said they had been the victims of illegal spying by a special unit of the Chicago Police Department that was used to keep track of politically active organizations and individuals.

According to court testimony, the now defunct unit, known as the Red Squad, conducted illegal operations against hundreds of political, civil rights and civic organizations and individuals that had opposed the Vietnam War or criticized the policies of the late Mayor Richard J. Daley of Chicago and the police department. In some instances, members of the police unit infiltrated organizations, gaining powerful positions in them and then sought to destroy them from within.

The spying effort at times involved the Federal Bureau of Investigation, the Central Intelligence Agency and an Army intelligence unit.

Settlement in New York

In a similar case, the New York City Police Department recently ended a nine-year-old court battle by agreeing to create a three-member board to oversee all police intelligence gathering and surveillance involving political groups and activists. All such police work by that department is to be conducted under a formal set of guidelines aimed at safeguarding political activities covered by the First Amendment, according to the settlement.

In the Chicago case, the F.B.I. and the C.I.A. agreed on proposed settlements last month with the plaintiffs and submitted the proposals to the Federal District Court here for approval. Under the proposals, the agencies would promise to keep their surveillance operations within

the law and to restrict political spying on individuals and organizations.

A similar agreement with the Chicago police appeared to be near after Peter Fitzpatrick, special assistant corporation counsel for the city and Richard Brzeznek, the police superintendent, worked out a proposal with attorneys representing the political organizations.

But that proposal was shelved when Stanley J. Garber, the newly appointed city corporation counsel, asserted that the proposed agreement would unreasonably hinder the police.

Assaults Proposed 'Bounds'

"The settlement imposed bounds on us not justified by prevailing legal considerations," Mr. Garber said. He also said that the reporting and record-keeping requirements would be "too cumbersome."

Mr. Garber disagreed with a provision that would bar spying by the police on citizens unless there was reasonable suspicion that they were engaged in or about to engage in unlawful activities.

"The whole purpose of law enforcement intelligence operations is to acquire information that justifies such suspicion and thus enables the conduct of other needed law enforcement activities," Mr. Garber wrote in a response to the court.

He continued: "To require 'reasonable suspicion' before an arrest can be made is one thing. But to require it before any investigation can be conducted is to place law enforcement authorities in an impossible Catch-22 situation. They cannot act without reasonable suspicion, and are prohibited from the means of acquiring reasonable suspicion."

Widespread Surveillance Defended

Mr. Garber argued that keeping terrorists under surveillance was an increasingly important concern for the police, and that to do so effectively, the police must be able to spy on whomever they want to.

Mr. Garber has advised Mayor Jane M. Byrne that the city should not seek an out-of-court settlement but rather go through litigation to settle the dispute.

The two sides in the dispute are scheduled to meet with Federal Judge Susan Getzendanner on Friday.